

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

AMINOALKYL-SUBSTITUTED AROMATIC BICYCLIC COMPOUNDS, METHODS, FOR THEIR PREPARATION AND THEIR USE AS PHARMACEUTICALS

the specification of which (check one)

 is attached hereto.

X was filed on August 14, 2002 as U.S. Patent Application No. 10/218,034

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?
101 39 416.0	Federal Republic of Germany	August 17, 2001	Yes	Yes

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number

I HEREBY APPOINT the following registered attorneys and agents of the law firm of Heller Ehrman White & McAuliffe to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith:

PAUL BOOTH	Reg. No. 40,244
PATRICIA D. GRANADOS	Reg. No. 33,683
JOHN P. ISACSON	Reg. No. 33,715
RONALD J. KAMIS	Reg. No. 41,104
JOHNNY A. KUMAR	Reg. No. 34,649
MARVIN A. MOTSENBOCKER	Reg. No. 36,614
COLIN G. SANDERCOCK	Reg. No. 31,298
BRIAN SIRITZKY	Reg. No. 37,497

and I request that all correspondence be directed to:

**Patricia D. Granados
HELLER EHRMAN WHITE & MCAULIFFE
1666 K Street, NW, Suite 300
Washington, DC 20006
Telephone: (202) 912-2000
Facsimile: (202) 912-2020**

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor	Lothar Schwink
Residence	Stadtallendorf, Germany
Citizenship	Germany
Post Office Address	Am Hintertor 2, 35260 Stadtallendorf, Germany
Inventor's signature	<i>Lothar Schwink</i>
Date	April 01, 2003
Name of first inventor	Siegfried Stengelin
Residence	Eppstein, Germany
Citizenship	Germany
Post Office Address	Sachsenring 27, 65817 Eppstein, Germany
Inventor's signature	<i>Siegfried Stengelin</i>
Date	April 3, 2003
Name of first inventor	Matthias Gossel
Residence	Hofheim, Germany
Citizenship	Germany
Post Office Address	Im Lorsbachatal 17a, 65719 Hofheim, Germany
Inventor's signature	<i>Matthias Gossel</i>
Date	April 07, 2003
Name of first inventor	Armin Walser
Residence	Tucson, Arizona USA
Citizenship	United States of America
Post Office Address	5900 N. Camino Miraval, Tucson, Arizona 85718 USA
Inventor's signature	
Date	
Name of first inventor	Gerard Rosse
Residence	Oro Valley, Arizona USA
Citizenship	United States of America
Post Office Address	11495 N. Ingot Loop, Oro Valley, Arizona 85737 USA
Inventor's signature	
Date	

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Residence	Hofheim, Germany
Citizenship	Germany
Post Office Address	Im Lorsbachatal 17a, 65719 Hofheim, Germany
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Name of first inventor	Armin Walser
Residence	Tucson, Arizona USA
Citizenship	United States of America
Post Office Address	5900 N. Camino Miraval, Tucson, Arizona 85718 USA
Inventor's signature	<i>Armin Walser</i>
Date	<u>01/28/03</u>
Name of first inventor	Gerard Rosse
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Citizenship	United States of America
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Citizenship	Germany
Post Office Address	Am Hintertor 2, 35260 Stadtallendorf, Germany
Inventor's signature	
Date	
Name of first inventor	Siegfried Stengelin
Residence	Eppstein, Germany
Citizenship	Germany
Post Office Address	Sachsenring 27, 65817 Eppstein, Germany
Inventor's signature	
Date	
Name of first inventor	Matthias Gossel
Residence	Hofheim, Germany
Citizenship	Germany
Post Office Address	Im Lorsbachatal 17a, 65719 Hofheim, Germany
Inventor's signature	
Date	
Name of first inventor	Armin Walser
Residence	Tucson, Arizona USA
Citizenship	United States of America
Post Office Address	5900 N. Camino Miraval, Tucson, Arizona 85718 USA
Inventor's signature	
Date	
Name of first inventor	Gerard Rosse
Residence	Oro Valley, Arizona USA
Citizenship	United States of America
Post Office Address	11495 N. Ingot Loop, Oro Valley, Arizona 85737 USA
Inventor's signature	<i>Gerard Rosse</i>
Date	<u>1/29/2003</u>

RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

PATENTS ONLY

Tab settings → → →

To the Honorable Commissioner of Patents and Trademarks: Please Record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Lothar Schwink
Siegfried Stengelin
Matthias Gossel
Armin Walser
Gerard Rosse

Additional name of conveying party(ies) attached? Yes No

3. Nature of conveyance:

- Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Dates: 1/28/03, 1/29/03, 4/3/03, and 4/7/03

2. Name and address of receiving party(ies)

Name: AVENTIS PHARMA DEUTSCHLAND GMBH

Internal _____

Street Address: 65929 Frankfurt am Main

GERMANY

City: _____ State: _____ Zip: _____

Additional Name(s) & address(es) attached? Yes No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning this document should be mailed:

Name: Patricia D. Granados

Internal Address: Heller Ehrman White & McAuliffe

Street Address: 1666 K Street, N.W.

Suite 300

City: Washington State: D.C. Zip: 20006

6. Total number of applications and patents involved:

7. Total fee (37 CFR 3.41) \$ 40.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number:

08-1641

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Patricia D. Granados

Name of Person Signing

Signature

Date

PATENT TRADEMARK OFFICE

Total number of pages including cover sheet, attachments, and documents: 10



26633 BEST AVAILABLE COPY

ASSIGNMENT AND AGREEMENT

WHEREAS, Lothar Schwink, Siegfried Stengelin, Matthias Gossel, Armin Walser, and Gerard Rosse (hereinafter referred to singly and collectively as "ASSIGNOR") have invented a certain invention entitled **AMINOALKYL-SUBSTITUTED AROMATIC BICYCLIC COMPOUNDS, METHODS, FOR THEIR PREPARATION AND THEIR USE AS PHARMACEUTICALS** for which an application for United States Letters Patent was filed on August 14, 2002 as Application No. 10/218,034; and

WHEREAS, AVENTIS PHARMA DEUTSCHLAND GMBH., having its principal place of business at 65929 Frankfurt am Main, Germany (hereinafter referred to as "ASSIGNEE") is desirous of acquiring the entire interest therein;

NOW THEREFORE, in view of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNOR has sold, assigned, and transferred, and by these presents hereby sells, assigns, and transfers, unto ASSIGNEE, its successors and assigns, the full and exclusive right, title, and interest in and to (a) the above-identified invention or inventions and all improvements and modifications thereof, (b) the above-identified application and all other applications for Letters Patent of the United States and countries foreign thereto for the above-identified invention or inventions and all improvements and modifications thereof, (c) all Letters Patent which may issue from said applications in the United States and countries foreign thereto, (d) all divisions, continuations, reissues, and extensions of said applications and Letters Patent, and (e) the right to claim for any of said applications the full benefits and priority rights under the International Convention and any other international agreement to which the United States adheres; such right, title, and interest to be held and enjoyed by ASSIGNEE, its successors and assigns, to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by ASSIGNOR had this Assignment not been made.

ASSIGNOR HEREBY AUTHORIZES AND REQUESTS the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE as assignee of the entire interest, for the sole use and benefit of ASSIGNEE, its successors and assigns.

ASSIGNOR HEREBY AGREES (a) to communicate to ASSIGNEE, its successors and assigns, or their representatives or agents, all facts and information known or available to ASSIGNOR respecting said invention or inventions, improvements, and modifications including evidence for interference, reexamination, reissue, opposition, revocation, extension, or infringement purposes or other legal, judicial, or administrative proceedings, whenever requested by ASSIGNEE; (b) to testify in person or by affidavit as required by ASSIGNEE, its successors and assigns, in any such proceeding in the United States or a country foreign thereto; (c) to execute and deliver, upon request by ASSIGNEE, all lawful papers including, but not limited to, original, divisional, continuation, and reissue applications, renewals, assignments, powers of attorney, oaths, affidavits, declarations, depositions; and (d) to provide all reasonable assistance to ASSIGNEE, its successors and

assigns, in obtaining and enforcing proper title in and protection for said invention or inventions, improvements, and modifications under the intellectual property laws of the United States and countries foreign thereto.

ASSIGNOR HEREBY REPRESENTS AND WARRANTS that ASSIGNOR has the full and unencumbered right to sell, assign, and transfer the interests sold, assigned, and transferred herein, and that ASSIGNOR has not executed and will not execute any document or instrument in conflict herewith.

ASSIGNOR HEREBY GRANTS to the law firm of Heller Ehrman White & McAuliffe the power and authority to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

ASSIGNOR UNDERSTANDS AND AGREES that the attorneys and agents of the law firm of Heller Ehrman White & McAuliffe do not personally represent ASSIGNOR or ASSIGNOR's legal interests, but instead represent the interests of ASSIGNEE; since said attorneys and agents cannot provide legal advice to ASSIGNOR with respect to this Assignment, ASSIGNOR acknowledges its right to seek its own independent legal counsel.

NAMES AND SIGNATURES OF INVENTORS		
Name: Lothar Schwink	Signature: <i>Lothar Schwink</i>	Date: <i>April 01, 2003</i>
Name: Siegfried Stengelin	Signature: <i>Siegfried</i>	Date: <i>April 3, 2003</i>
Name: Matthias Gossel	Signature: <i>Matthias Gossel</i>	Date: <i>April 20, 2003</i>
Name: Armin Walser	Signature:	Date:
Name: Gerard Rosse	Signature:	Date:
NAMES AND SIGNATURES OF WITNESSES		
Name:	Signature:	Date:
Name:	Signature:	Date:
Name:	Signature:	Date:

Attorney Docket No.: 38005-0166

Name:	Signature:	Date:
Name:	Signature:	Date:

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Page 3 of 3

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Name: Armin Walser	Signature: <i>Armin Walser</i>	Date: 01/28/03
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Name:	Signature:	Date:
Name:	Signature:	Date:

ASSIGNMENT AND AGREEMENT

WHEREAS, Lothar Schwink, Siegfried Stengelin, Matthias Gossel, Armin Walser, and Gerard Rosse (hereinafter referred to singly and collectively as "ASSIGNOR") have invented a certain invention entitled **AMINOALKYL-SUBSTITUTED AROMATIC BICYCLIC COMPOUNDS, METHODS, FOR THEIR PREPARATION AND THEIR USE AS PHARMACEUTICALS** for which an application for United States Letters Patent was filed on August 14, 2002 as Application No. 10/218,034; and

WHEREAS, AVENTIS PHARMA DEUTSCHLAND GMBH., having its principal place of business at 65929 Frankfurt am Main, Germany (hereinafter referred to as "ASSIGNEE") is desirous of acquiring the entire interest therein;

NOW THEREFORE, in view of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNOR has sold, assigned, and transferred, and by these presents hereby sells, assigns, and transfers, unto ASSIGNEE, its successors and assigns, the full and exclusive right, title, and interest in and to (a) the above-identified invention or inventions and all improvements and modifications thereof, (b) the above-identified application and all other applications for Letters Patent of the United States and countries foreign thereto for the above-identified invention or inventions and all improvements and modifications thereof, (c) all Letters Patent which may issue from said applications in the United States and countries foreign thereto, (d) all divisions, continuations, reissues, and extensions of said applications and Letters Patent, and (e) the right to claim for any of said applications the full benefits and priority rights under the International Convention and any other international agreement to which the United States adheres; such right, title, and interest to be held and enjoyed by ASSIGNEE, its successors and assigns, to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by ASSIGNOR had this Assignment not been made.

ASSIGNOR HEREBY AUTHORIZES AND REQUESTS the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE as assignee of the entire interest, for the sole use and benefit of ASSIGNEE, its successors and assigns.

ASSIGNOR HEREBY AGREES (a) to communicate to ASSIGNEE, its successors and assigns, or their representatives or agents, all facts and information known or available to ASSIGNOR respecting said invention or inventions, improvements, and modifications including evidence for interference, reexamination, reissue, opposition, revocation, extension, or infringement purposes or other legal, judicial, or administrative proceedings, whenever requested by ASSIGNEE; (b) to testify in person or by affidavit as required by ASSIGNEE, its successors and assigns, in any such proceeding in the United States or a country foreign thereto; (c) to execute and deliver, upon request by ASSIGNEE, all lawful papers including, but not limited to, original, divisional, continuation, and reissue applications, renewals, assignments, powers of attorney, oaths, affidavits, declarations, depositions; and (d) to provide all reasonable assistance to ASSIGNEE, its successors and

assigns, in obtaining and enforcing proper title in and protection for said invention or inventions, improvements, and modifications under the intellectual property laws of the United States and countries foreign thereto.

ASSIGNOR HEREBY REPRESENTS AND WARRANTS that ASSIGNOR has the full and unencumbered right to sell, assign, and transfer the interests sold, assigned, and transferred herein, and that ASSIGNOR has not executed and will not execute any document or instrument in conflict herewith.

ASSIGNOR HEREBY GRANTS to the law firm of Heller Ehrman White & McAuliffe the power and authority to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

ASSIGNOR UNDERSTANDS AND AGREES that the attorneys and agents of the law firm of Heller Ehrman White & McAuliffe do not personally represent ASSIGNOR or ASSIGNOR's legal interests, but instead represent the interests of ASSIGNEE; since said attorneys and agents cannot provide legal advice to ASSIGNOR with respect to this Assignment, ASSIGNOR acknowledges its right to seek its own independent legal counsel.

NAMES AND SIGNATURES OF INVENTORS		
Name: Lothar Schwink	Signature:	Date:
Name: Siegfried Stengelin	Signature:	Date:
Name: Matthias Gossel	Signature:	Date:
Name: Armin Walser	Signature:	Date:
Name: Gerard Rosse	Signature: <i>Gerard Rosse</i>	Date: 1/29/2003
NAMES AND SIGNATURES OF WITNESSES		
Name:	Signature:	Date:
Name:	Signature:	Date:
Name:	Signature:	Date:

Name:	Signature:	Date:
Name:	Signature:	Date: